

**Energie-Control Austria Executive Board Ordinance
Amending the Gas Market Model Ordinance 2012
(2012 Gas Market Model [Amendment] Ordinance 2015)**

In exercise of section 41 *Gaswirtschaftsgesetz* (Natural Gas Act) 2011, *BGBl.* (Federal Law Gazette [FLG]) I no 107/2011, as amended by FLG I no 174/2013, in conjunction with section 7 para. 1 *Energie-Control-Gesetz* (E-Control Act), FLG I no 110/2010, as amended by FLG I no 174/2013, the following Ordinance is issued:

The Energie-Control Austria Executive Board Ordinance on Provisions for the Gas Market Model (Gas Market Model Ordinance 2012), FLG II no 171/2012, as amended by the Gas Market Model (Amendment) Ordinance 2014, FLG II no 234/2014, is amended as follows:

1. After section 2 para. 1 item 16a the following item 16b is inserted:

“16b. “Regulation (EU) No 984/2013” means Commission Regulation (EU) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council, OJ L 273, 15.10.2013;”

2. Section 4 reads:

“**Section 4.** (1) Capacity products shall be bundled in accordance with the provisions of Regulation (EU) No 984/2013 where they concern cross-border interconnection points at transmission level.

(2) In order to maximise the offer of bundled capacity, transmission system operators may offer bundled or unbundled capacity with allocation restrictions.”

3. In section 6 para. 1, the words “in transparent and non-discriminatory procedures” are replaced by the words “in accordance with Regulation (EU) No 984/2013”.

4. Section 6 para. 3 is deleted.

5. Section 8 reads:

“**Section 8.** At cross-border interconnection points, the shares of the technical annual capacity specified in Articles 6 to 8 of Regulation (EU) No 984/2013 shall be reserved and auctioned no earlier than in the annual auction for annual or quarterly capacity. Larger shares for individual cross-border interconnection points may be proposed in line with the results of a demand poll, to be conducted in a coordinated fashion by the transmission system operators, and after consultation of the adjacent transmission system operators. Such proposal requires approval by an official decision issued by the regulatory authority. Capacity contracts in existence at the time of entry into force of this Ordinance are exempted from this stipulation.”

6. In section 9 para. 2, the words “The operator of the online platform” are replaced by the words “The online platform” and after the words “and secondary capacity trading” the words “in accordance with the provisions of Regulation (EU) No 984/2013” are inserted.

7. Section 9 para. 3 is deleted.

8. In section 9 para. 6, after the words “the provisions of this Ordinance” the words “and of Regulation (EU) No 984/2013” are inserted.

9. Section 10 para. 2 is deleted.

10. In section 11 para 3, the unit “kWh/h” is inserted instead of the unit “kilowatt hours” and after the words “Day-ahead capacity” the words “and within-day capacity” are inserted.

11. <amendment not relevant to English version>

12. In section 11 para. 9, the words “in accordance with section 6 para. 3” are deleted and in section 11 para. 10, the words “pursuant to section 6 para. 3” are deleted.

13. *At the end of section 13 para. 3, the sentence “Capacity expansion applications are processed in the same order they are filed.” is added.*

14. *After the second sentence in section 14 para. 3, the sentence “To the degree that system admission contracts with storage or production system operators impact operation of the distribution system, such contracts shall be concluded as required by the distribution area manager.” is inserted.*

15. *After section 15 para. 3, the following para. 4 is inserted:*

“(4) In the case of distribution-level cross-border interconnection points that serve to supply part of the market area exclusively from an adjacent market area, the distribution area manager books the necessary capacity.”

16. *After the second sentence in section 16 para. 1, the sentence “If a storage system operator fails to comply with the system operator’s call to book capacity within a reasonable deadline to be set by the system operator, the amount of capacity last booked by the storage system operator shall be again booked for the next year.” is inserted.*

17. *In section 16 para. 1a, the words “beyond the reserved capacity” are replaced by the words “beyond the amount of but for the same duration as the capacity originally reserved”.*

18. *After the second sentence in section 17 para. 1, the sentence “If a producer of natural or biogenic gas fails to comply with the system operator’s call to book capacity within a reasonable deadline to be set by the system operator, the amount of capacity last booked by the producer shall be again booked for the next year.” is inserted.*

19. *The fifth sentence in section 26 para. 6 reads:*

“Such calculation shall be based on the general terms and conditions of the market area manager; it shall take into account the market area’s position.”

20. *In section 26 para. 6, the sentence “For the period from 1 January 2013, the markup shall be capped at 0.4 cent/kWh.” is deleted.*

21. *At the end of section 27 para. 1, the sentence “Any consumption that arises from the use of system services without the metering point having been assigned to a balance group is registered in the special balance group for distribution systems.” is added.*

22. *At the end of section 37 para. 4, the sentence “Any consumption that arises from the use of system services without the metering point having been assigned to a balance group is registered in the special balance group for distribution systems.” is added.*

23. *After section 47 para. 9 the following para. 10 is added:*

“(10) Section 2 para. 1 item 16b, section 4, section 6, section 8, section 9 and section 26 para. 6 as amended by the Gas Market Model (Amendment) Ordinance 2015, FLG II no 276/2015, enter into force at 6 a.m. on 1 November 2015. All other provisions of this amendment enter into force at 6 a.m. on 1 October 2015.

24. *Point III.1 para. 3 of Annex 1 reads:*

“(3) Only after the applicant has duly signed the capacity expansion contract in accordance with the deadline set by the distribution system operator and the distribution area manager and once it has fulfilled all conditions stated in the capacity expansion contract – such as depositing collateral – within the period prescribed must the distribution system operator and the distribution area manager accept the application and sign the capacity expansion contract themselves, i.e. only then are the distribution system operator, the upstream system operators and the distribution area manager obliged to execute the necessary expansion works. If the capacity expansion contract is not duly signed or if the conditions stated in the capacity expansion contract are not fulfilled before the applicable deadlines expire, the capacity expansion contract is void.”

25. *In point III.1 para. 4 of Annex 1, after the words “The applicant” a comma and the words “the distribution area manager” are added.*

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